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 TRC ENGINEERS, INC. f/k/a VPOINT, MARTIN UGALDE,  
 ROBERT BIDART AND MICHAEL BIDART

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JUDY KROSHUS; et al.,	)	3:08-cv-00246- LDG-RAM
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>ORDER GRANTING</b>
	)	<b>TRC DEFENDANTS' MOTION FOR</b>
	)	<b>DETERMINATION OF GOOD FAITH</b>
UNITED STATES OF AMERICA, et. al.,	)	<b>SETTLEMENT</b>
	)	
Defendants.	)	

EXPEDITED REVIEW REQUESTED

JUDY KROSHUS; et al.,	)	
	)	
Plaintiffs,	)	3:09-cv-00713-LDG-RAM
	)	
vs.	)	<b>ORDER GRANTING</b>
	)	<b>TRC DEFENDANTS' MOTION FOR</b>
	)	<b>DETERMINATION OF GOOD FAITH</b>
UNITED STATES OF AMERICA, et. al.,	)	<b>SETTLEMENT</b>
	)	
Defendants.	)	

EXPEDITED REVIEW REQUESTED

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**ORDER GRANTING TRC DEFENDANTS' MOTION FOR  
DETERMINATION OF GOOD FAITH SETTLEMENT**

The Court having reviewed and considered TRC ENGINEERS, INC. f/k/a VPOINT'S (erroneously sued as V POINT ENGINEERING a/k/a TRC ENGINEERING, INC.), MARTIN UGALDE'S, ROBERT BIDART'S and MICHAEL BIDART'S (hereinafter collectively, "TRC Defendants") Motion for Determination of Good Faith Settlement, all papers and pleadings filed in this matter, heard oral argument at the hearing held thereon, and with GOOD CAUSE APPEARING, hereby enters its findings, conclusions and judgment as follows:

**FINDINGS**

1. This matter arises out of a breach in the Truckee Canal on January 5, 2008 in and around the City of Fernley, County of Lyon, Nevada.

2. The Plaintiffs, individually and as members of Class Actions, have filed numerous Complaints in Federal and State Courts against various parties, including the TRC Defendants for alleged damages and injuries arising from the Truckee Canal breach on January 5, 2008 in Fernley, Nevada.

3. The Plaintiffs and various parties in the Federal and State cases allege that the January 5, 2008 Truckee Canal breach in Fernley, Nevada occurred due to inadequate maintenance and operation of the Truckee Canal, among other reasons. Plaintiffs further allege that flood waters from the Truckee Canal breach were impounded by the construction of various residential subdivisions and obstacles in and around the "A" Drain including the connection of Wrangler Lane and Wagon Wheel Lane commonly known as the "knuckle."

4. The TRC Defendants, serving as the plans checker for the City of Fernley, approved the design of the "knuckle" submitted by a Nevada registered engineer.

5. On April 24, 2012, the TRC Defendants and representatives of the Plaintiffs from all Federal and State cases, with assistance of Mr. Michael Schoenfeld, the appointed mediator, reached a global settlement of all claims, issues and damages (known and unknown) against the TRC Defendants for the January 5, 2008 Truckee Canal breach.

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6. The Settlement Agreement provides that the TRC Defendants shall collectively pay the sum of \$1,725,000.00 in exchange for a full and complete release and dismissal of all claims, damages and issues against the TRC Defendants in all Federal and State cases concerning the January 5, 2008 Truckee Canal breach.

7. That there is no evidence or allegation that the global settlement between Plaintiffs and the TRC Defendants was fraudulently, collusively or tortuously aimed at injuring any non-settling party.

8. That the global settlement between the Plaintiffs, individually and as Classes, is and was made in good faith.

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the TRC Defendants' Motion for Determination of Good Faith Settlement is hereby GRANTED in its entirety.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the global settlement between the Plaintiffs, individually and as Settling Classes, and the TRC Defendants in the sum of One Million, Seven Hundred Twenty-Five Thousand Dollars and 00/100 Cents (\$1,725,000.00) is and was made in good faith pursuant to N.R.S. 17.245.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all Complaints,  
2 Cross-Claims, Third-Party Complaints and/or any other claim or action filed against, or could have  
3 been filed against the TRC Defendants in this action and all other Federal and State cases concerning  
4 the January 5, 2008 Truckee Canal breach for equitable indemnity, implied indemnity, partial/total  
5 indemnity and contribution are hereby dismissed with prejudice and hereinafter barred against the  
6 TRC Defendants in this matter and all other Federal and State cases concerning the January 5, 2008  
7 Truckee Canal breach in Fernley, Nevada, pursuant to N.R.S. 17.245 and in accordance with the  
8 factors enumerated in Doctors Company v. Vincent, 98 P.3d 681 (2004).

9 IT IS SO ORDERED.

10 DATED this 9 day of January, 2013.

11  
12   
13 DISTRICT COURT JUDGE

14 RESPECTFULLY SUBMITTED BY:

15 WEIL & DRAGE, APC  
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18 \_\_\_\_\_  
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